

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 7th day of October, 2003:

<u>Present</u>	<u>Vote</u>
James S. Burgett, Chairman	Yea
Thomas G. Shepperd, Jr., Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Donald E. Wiggins	Yea

On motion of Mr. Wiggins, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-402, STANDARDS FOR OPEN SPACE DEVELOPMENT (CLUSTER TECHNIQUES), OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO REVISE THE MINIMUM PRINCIPAL BUILDING SPACING STANDARDS TO REQUIRE A MINIMUM SEPARATION OF 20 FEET

WHEREAS, the terms of Section 24.1-402 currently provide for minimum building spacing to be governed by the terms of the Building Code, and for fire protection measures to be required and approved by the Fire Chief for any separations of less than twenty (20) feet; and

WHEREAS, it has come to the attention of the Board of Supervisors that principal building separations of less than twenty (20) feet can be detrimental to community character, can limit access to rear yard areas, can contribute to a reduction in the amount of open space and pervious surface on a property, and can create increased risks and resource requirements for emergency services responses; and

WHEREAS, prior to 1995, the Zoning Ordinance required a minimum principal building spacing of twenty (20) feet and in the interest of good zoning practice the Board wishes to consider amendments that would reinstate that former standard.

NOW, THERFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of October, 2003, that it does hereby sponsor an application to amend Section 24.1-402 of the Zoning Ordinance to establish an absolute minimum

spacing requirement of twenty (20) feet for principal buildings located in cluster (open space) developments;

BE IT FURTHER RESOLVED that the following proposed wording be, and it is hereby, forwarded to the York County Planning Commission for review and recommendation in accordance with applicable procedures.

Sec. 24.1-402. Standards for open space development (cluster techniques).

(c) *Yard, size and dimension requirements.*

- (1) There are no lot width or area requirements.
- (2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conventional development unless the abutting development shall have been developed as an open space development. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') in width.
- (3) The rear and side yards may be reduced to zero (0) provided that easements or covenants clearly establish the rights of the two abutting properties where principal buildings are to be constructed on or within five feet (5') of a property line.
- (4) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.
- (5) The minimum setback from internal public streets shall be thirty feet (30') from internal private driveways or streets the setback shall be established on the plan of development.
- (6) The minimum distance between any two buildings within the open space development shall be twenty feet (20') . Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.
- (7) Where flag lots are utilized, the "staff" portion shall be twenty feet (20') or greater in width.

A Copy Teste:

Mary Ellen Simmons
Deputy Clerk